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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

RUFUS CATCHINGS,

Plaintiff,

v.

KEN SALAZAR, IN HIS OFFICIAL  
CAPACITY AS SECRETARY OF THE  
INTERIOR, MARCIA MCNUTT, IN HER  
OFFICIAL CAPACITY AS DIRECTOR OF  
THE UNITED STATES GEOLOGICAL  
SURVEY, ANNE KINSINGER, IN HER  
OFFICIAL CAPACITY AS REGIONAL  
DIRECTOR OF THE WESTERN REGION  
OF THE UNITED STATES GEOLOGICAL  
SURVEY, AND DOES 1-50.

Defendant.

Case No. 10-00625-TEH

STIPULATION AND ~~PROPOSED~~  
ORDER PERMITTING PLAINTIFF TO  
FILE A FIRST AMENDED COMPLAINT

STIPULATION AND [PROPOSED] ORDER PERMITTING PLAINTIFF TO FILE A FIRST  
AMENDED COMPLAINT - Case No. 10-00625

Plaintiff Rufus Catchings ("Plaintiff"), and Defendant Ken Salazar, Secretary of the Interior ("Defendant") by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, Defendant's response to Plaintiff's Complaint is due on May 5, 2010. The parties have communicated regarding certain pleading defects in Plaintiff's Complaint and wish to resolve pleading issues without motion practice.

WHEREAS, the parties agree that Plaintiff will file a First Amended Complaint to cure the pleading issues raised by Defendant. Specifically, Plaintiff will file a First Amended Complaint that: (1) dismisses improperly named Defendants Marcia McNutt, Anne Kinsinger and DOE defendants; (2) dismisses the request for punitive damages. The parties have not agreed to any other amendments or changes to the Complaint.

ACCORDINGLY, the due date for Defendant to respond to the Plaintiff's Complaint is continued such that Plaintiff can file a First Amended Complaint. Plaintiff will file a First Amended Complaint within five (5) calendar days of the Court's order approving this stipulation and Defendant will file a responsive pleading to Plaintiff's First Amended Complaint within ten (10) calendar days of the filing of the First Amended Complaint.

**IT IS SO STIPULATED**

DATED: May 4, 2010

HOYER & ASSOCIATES

/s/  
Richard A. Hoyer, Esq.  
Attorney for Plaintiff

DATED: May 4, 2010

JOSEPH RUSSONIELLO  
United States Attorney

/s/  
Victoria R. Carradero  
Assistant United States Attorney  
Attorneys for Defendant

**PURSUANT TO STIPULATION IT IS SO ORDERED.**

DATED: 05/05/10



STIPULATION AND [PROPOSED] ORDER PERMITTING PLAINTIFF TO FILE A FIRST AMENDED COMPLAINT - Case No. 10-00625